

**REMARKS**

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The Office Action dated July 26, 2006 has been received and its contents carefully reviewed.

Claims 1, 4, 6, 9, 19, 21, and 22-27 are amended and claims 1, 4, 6, 9, and 11-27 are currently pending. Reexamination and reconsideration of the pending claims is respectfully requested.

Applicant appreciates and thanks Examiners Hai Tran and Dominic D. Saltarelli for the courtesies extended to Applicant's representatives during the December 19 personal interview with the Examiners. The substance of the interview is discussed below and constitutes the record of the interview.

Claims 26 and 27 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 26 and 27 are amended to recite statutory subject matter. Thus, the rejection with respect to these claims is now moot.

Claims 1, 4, 6, 9, and 11-27 are rejected under 35 U.S.C. §103(a) as being obvious over Program Guide for Digital Television ATSC Standard A/65 ("ATSC") in view of U.S. Patent no. 6,658,661 to Arsenault ("Arsenault") and U.S. Patent No. 5,077,828 to Waldroup ("Waldroup"). Applicant respectfully traverses the rejection for the following reasons.

Regarding claim 1, none of the references, individually or combined, discloses or suggests a method for optimizing bandwidth usage of a data stream and for inserting a plurality of event information (EITs) and extended text tables (ETTs) into the data stream where the method includes, among other features, inserting the EITs at non-uniform issuance intervals into the data stream, and inserting the ETTs at uniform issuance interval into the data stream.

ATSC does not disclose how the EITs are to be transmitted. Thus, ATSC does not disclose or suggest that the first group of EITs are inserted into the data stream at non-uniform

Amdt. dated December 26, 2006

Reply to Office Action dated July 26, 2006

issuance intervals, as required in claim 1. Moreover, ATSC discloses that ETTs are optional.

Specifically, ATSC provides no guidance as to how ETTs are inserted into the data stream, whereas claim 1 recites that ETTs are inserted at uniform issuance interval.

The Office Action, however, points out that Arsenault, at col. 7, lines 23-67, discloses a carousel arrangement where the program guide data for time periods in the near future is transmitted more frequently than the program guide data for later time periods. The Office Action then associates the program guide data with the claimed EITs. The Office Action further points out that Waldroup, at col. 7, lines 45-60, discloses sending table data at periodic intervals. The Office Action then associates the table data with the claimed ETTs.

As discussed during the interview, as a preliminary matter, the system disclosed in Arsenault has nothing to do with sending EITs and ETTs in a data stream. However, in arguendo, even if the program guide data corresponds to the EITs, Arsenault is silent as to how the ETTs containing program description associated with a group of EITs, are inserted into the data stream with a group of EITs.

Waldroup does not supplement this deficiency because Waldroup's table data is used to correct/update frequency allocations in a transceiver. Col. 7, lines 54-60. In other words, frequency allocations in a transceiver has nothing to do with ETTs containing program description associated with a group of EITs, as required in claim 1. ASTC cannot cure this deficiency because ATSC, as stated above, specifically states that ETTs are optional. Thus, all the references fail to disclose or suggest that both the EITs and the ETTs are inserted in the data stream, as recited in claim 1. Moreover, Waldroup fails to disclose or suggest that ETTs contain program description associated with a group of EITs, as recited in claim 1.

Accordingly, claim 1 recites patentable subject matter. Claims 4, 6, 9, 19, and 21-27 are also patentable for at least the reasons as discussed with respect to claim 1. The remaining claims are at least allowable by virtue of their dependency from the respective independent claims.

Applicants believe the foregoing amendments place the application in condition for allowance and early, favorable action is respectfully solicited.

**U.S. Application No. 09/828,865  
Amdt. dated December 26, 2006  
Reply to Office Action dated July 26, 2006**

**Attorney Docket No.: 8736.134.00**

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: December 26, 2006

Respectfully submitted,

By \_\_\_\_\_

*Mark R. Kresloff*  
Mark R. Kresloff  
Registration No.: 42,766  
McKENNA LONG & ALDRIDGE LLP  
1900 K Street, N.W.  
Washington, DC 20006  
(202) 496-7500  
Attorneys for Applicant

DC:50452045.1